IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 584 OF 2004

SHRI DIPU U.NAIK(CONVENOR),PARAMPAI CITIZENS FORUM ....Petitioners

Versus

STATE OF GOA,THROU'CHIEF SECRETARY & 4 ORS., ...Respondents

Petitioner in person (absent).
Mr. S. S. Kantak, Advocate General with Ms. Winnie Coutinho, Government Advocate for the respondent nos.1 & 2.
Mr. M. S.Sonak, advocate for the respondent no.3.
Mr. G. K. Sardessai, advocate for the respondent no.4.
M. T. George, advocate for the respondent no.5.
Mr. R. G. Ramani, advocate for the respondent no.6.
Mr. S. R. Rivankar, advocate for the respondent no.7.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 6th September, 2005

P.C.

The petitioner has filed this Writ Petition (PIL) in person. He is not present. However, with the assistance of the learned Advocate General we considered the matter. On 5th September, 2005, an affidavit has been filed by the Director of Panchayats stating thus:-

" I say that I found prima facie case against the Sarpanch of V.P. Madkai in which she has committed irregularities as regards to misuse and abuse of powers of the Sarpanch and exercised the powers not expressly vested in the Sarpanch by or under the Goa Panchayat Raj Act, 1994 and rules made thereunder. The Respondent Sarpanch is therefore, directed to show-cause within a period of 15 days from 2.9.2005 as to why an Order under sub-section (4) of Section 50 of Goa Panchayat Raj Act, 1994 should not be issued for her removal from the

office of Sarpanch and further why she should not be declared as not eligible to be re-elected as Sarpanch for the remaining period of her term of office and failing which it will be presumed that the Respondent has no say in the matter and action will be taken accordingly. The matter is fixed for hearing of the say of the Respondent on 19.9.2005 at 3.00 p.m. After hearing the Respondent as well as the Petitioner the final order will be passed in accordance with the provisions of law."

It thus transpires that the show cause notice has been given to the respondent no.3 as to why she should not be removed from the office of Sarpanch and declared ineligible failing which action would be taken accordingly. The matter is fixed for hearing of the respondent no.3 on 19th September, 2005. The Director of Panchayats has said that after hearing the petitioner and respondent no.3 appropriate order shall be passed.

In view of the statement made by the Director of Panchayats in paragraph 2 of the reply affidavit referred to above, we are satisfied that no further order needs to be passed in the Writ Petition.

Writ Petition is disposed of accordingly.

R. M. LODHA, J.

N. A. BRITTO, J.